IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.288 OF 2004

Noshir Manekshaw Langrana ...Applicant
vs.
Noshir D. Bottlewala & Anr. ...Respondents

Ms Madhuri i/b Mr.S.C.Chaturvedi for the Applicant
Mr.Shrirang Shrimani for Respondent No.1
Ms M.M.Deshmukh,A.P.P. for State.

CORAM: A.S.OKA,J.
DATE : OCTOBER 26,2005

P.C.:

1. Rule. The Advocate for the Respondent No.1 waives service. The learned A.P.P. waives service for Respondent No.2.

2. The Applicant and the Respondent No.1 have filed consent terms duly signed by their Advocates. The consent terms are also signed by the Applicant and the Respondent No.1. It is stated in the consent terms that the Respondent No.1 who is the original complainant in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the said Act of 1881), has accepted certain amount in full and final settlement of the claim and it is stated that the Respondent No.1 has no further claim against the Applicant. The learned Advocate for the Respondent No.1 states that in view of the settlement, the Respondent No.1 has agreed to compound the offence under section 138 of the said Act of

1881.

3. The conviction of the Applicant is under Section 138 of the said Act of 1881. There has been complete settlement between the original complainant and the Applicant-accused. In this view of the matter, conviction and sentence of the Applicant deserves to be quashed and set aside.

4. Hence I pass the following order :

i) The conviction and sentence of the Applicant under Section 138 of the Negotiable Instruments Act, 1881 by order dated 31st December 2003 is quashed and set aside and the Applicant is acquitted of the offence under Section 138 of the said Act of 1881. Rule is accordingly made absolute in above terms.

. Parties to act upon an authenticated copy of this order.

JUDGE